

Amendments to the Drawings:

The sheets of drawings attached in the Appendix include changes to Figs. 1, 5 and 6. These sheets replace the original sheets. The drawings have been changed as follows: In Fig. 1 reference characters 20, 22, 24 and 26 have been added. In Fig. 5 reference characters 30 and 31 have been added. In Fig. 6 reference characters 37 and 39 have been added.

REMARKS

Applicant has read and considered the Office Action dated June 30, 2006. Claim 1 has been amended. Claims 2-3 have been cancelled without prejudice or disclaimer. Claims 1 and 4 are currently pending.

The Declaration presently on file was indicated as failing to comply with 37 CFR 1.67(a) since it does not correctly identify the application by application number and filing date. In response thereto, Applicant submits herewith a new declaration duly executed.

The Office Action raised numerous objections to the drawings since they include reference characters which are not mentioned in the description and since they do not show every feature of the invention specified in the claims and/or described in the specification.

In response thereto, Applicant submits herewith new pages 1 and 5 of the drawings, in which reference characters have been added in accordance with the reference characters used in the specification. No new matter has been added.

The Office Action raised numerous objections to the specification since features of the invention are not labelled with appropriate reference characters throughout the specification. Moreover, the specification was objected to since metric units should also be used therein.

Applicant has carefully reviewed the specification and the drawings and submits herewith amendments to the specification. Every feature of the invention is now labelled with the appropriate reference character used in the drawings.

Moreover, English units have been replaced by metric units followed by equivalent English units throughout the specification.

The amendments are fully supported by the specification and drawings as originally filed. No new matter has been added.

Claim 3 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention.

Claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by McKenzie.

Furthermore, claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over McKenzie in view of Clarke while claim 3 was rejected as being unpatentable over McKenzie in view of Clarke and Kele.

Applicant submits herewith a new set of amended claims. More particularly, claim 1 has been amended to now include the subject matter that was formerly recited in former claims 1, 2 and 3. Thus, claims 2 and 3 have been cancelled, and claims 1 and 4 remain in the application.

In this newly submitted claim 1, each reference to “the beam” has been clarified. It is now clear from newly submitted claim 1 that each of the lifting members are housed in a corresponding vertical beam, either a front or a rear vertical beam, and that each vertical beam includes a vertical slot. It is also clear that when the lifting members are in the operative position, each of the lifting hooks are located within the corresponding vertical beam.

Furthermore, the expression “inwardly biased” has been replaced by the expression “biased toward a position extending from the frame”.

In view of the above, Applicant respectfully submits that newly submitted claim 1 clearly points out the subject matter for which protection is sought, and therefore complies with 35 U.S.C. 112.

As mentioned above, claim 3 was rejected as being unpatentable over McKenzie in view of Clarke and Kele.

Applicant however strongly disagrees with the rejection for the following reasons.

The present invention is directed to a trailer for transporting a container comprising a plurality of retractable lifting members that are extendable and capable of engaging the lifting holes of a container for lifting the container.

Each of the lifting members is housed in a corresponding vertical beam and includes a hydraulic cylinder provided with a lifting hook which is biased toward a deployed position extending from the frame.

The lifting members are controlled between an inoperative position wherein the hydraulic cylinders are retracted and wherein the lifting hooks are located within the corresponding vertical beam, and an operative position wherein the cylinders are extended and the hooks deploy outside the vertical slot of the beam to engage the lifting holes of the container, thereby allowing the lifting of the container with the help of the means for controlling the lifting members.

Contrary to the assertion in the Office Action, none of the cited references teach a trailer as described above and as recited in newly submitted claim 1.

Actually, McKenzie discloses a container lifter which has to be used with a fork lift. Indeed, the lifter of McKenzie has a chassis whose one end is particularly attached to the front of the fork lift.

To lift a container with the lifter of McKenzie, the fork lift is used to vertically rock the chassis. The chassis is rocked a first time so that an end of the chassis can be attached to an end of the container. Then, the fork lift rocks the chassis in the opposite direction. This movement lifts the end of the container that is already attached to the chassis and lowers the other end of the chassis so that the other end of the container can be attached thereto. Claim 1 of McKenzie clearly describes this attachment procedure. This is completely different to what is recited in claim 1 of the present invention.

Contrary to the assertion in the Office Action, in McKenzie, there are no lifting members able to lift the container since the sliding buffers 5 only serve to retain the container, the container being lifted in two steps by an independent fork lift.

Moreover, the Office Action asserts that McKenzie discloses a vertical beam provided with a vertical slot. It is clear from a careful reading of the specification and from claim 1 that there is no vertical beam in the trailer of McKenzie. Moreover, as specified in claim 1, the sliding buffer 5 is displaceable in a longitudinal direction in a horizontal slot (see Figure 4).

It is therefore respectfully submitted that McKenzie cannot anticipate nor render obvious the trailer of the present invention as recited in newly submitted claim 1.

Contrary to the assertion in the Office Action, Clarke does not teach a trailer wherein lifting members are housed in substantially vertical beams. Indeed, the cylinders of Clarke extend outside the vertical beams. Moreover, the lifting members of Clarke are not provided with lifting hooks biased inward toward the frame and capable of engagement with the lifting holes of a container for lifting the container.

It is therefore respectfully submitted that Clarke, alone or in combination with McKenzie, cannot anticipate nor render obvious the trailer of the present invention as recited in newly submitted claim 1.

Kele discloses an apparatus for lifting the buried lid of a crypt and any soil overlying the lid. The apparatus has an exterior frame and a mobile frame that can be positioned over the lid. The mobile frame can be lowered to be attached to the lid and then raised for lifting the lid. Such an apparatus cannot be used to lift and convey a container.

Contrary to the assertion in the Office Action, with a careful review, it can be seen that Kele does not teach lifting members that are housed in substantially vertical beams, nor does it provide lifting members including a hydraulic cylinder provided with a lifting hook biased toward a deployed position extending from the frame mounted thereon, as recited in newly submitted claim 1. Moreover, Kele does not disclose nor suggest providing a vertical beam with a vertical slot wherein the lifting hooks are located within the beam in an inoperative position and deploy outside the slot in the operative position.

It is therefore respectfully submitted that Kele, alone or in combination with McKenzie and/or Clarke, cannot anticipate nor render obvious the trailer of the present invention as claimed in newly submitted claim 1.

In the Office Action, three documents are combined to reject former claim 3. Different features of trailers completely different from each other are thrown together to render former claim 3 obvious.

Applicant however strongly asserts that even in combining the cited prior art documents, it would not have been obvious to a person skilled in the art to combine the teachings of these documents to arrive directly, without difficulty and without errors to the trailer of the present invention as claimed in claim 1.

The trailer of the present invention as recited in claim 1 is particularly advantageous over those of the prior art since it is autonomous and particularly easy to use. Moreover, in the trailer of the present invention, the retractable lifting hooks move in and out of the vertical beams and are retracted in the beams when inoperative. This feature, which is not taught nor suggested by the prior art, is particularly advantageous since it allows the hooks to be protected from impact when they are inoperative, especially when backing the trailer towards the container.

In view of the above, Applicant respectfully submits that newly submitted claim 1 is new and inventive and patentably distinguishes over the known prior art. Since claim 4 depends on claim 1, it is also believed to be patentable for at least the same reasons.

In view of the above-mentioned amendments and arguments, Applicant respectfully submits that the pending claims patentably distinguish over the cited prior art. Accordingly, Applicant respectfully submits that the application is in full condition for allowance and the Examiner is respectfully requested to pass this application to issue.

In view of the above, Applicant respectfully submits that the present invention as recited in claims 1 and 4 is new and inventive over the cited prior art and Applicant respectfully requests that the rejections be withdrawn.

Should any issues remain outstanding, and which could be resolved by way of a telephonic interview, the Examiner is kindly invited to contact the undersigned.

Respectfully submitted,

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